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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,564

09/22/2003

Louis R. Degenaro

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02/09/2009

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EXAMINER

SYED, FARHAN M

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

02/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/665,564	<b>Applicant(s)</b> DEGENARO ET AL.	
	<b>Examiner</b> FARHAN M. SYED	<b>Art Unit</b> 2165	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Christian P. Chace/  
Supervisory Patent Examiner, Art Unit 2165

/F. M. S./  
Examiner, Art Unit 2165

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues:

(1) The combination of Funderburk and Loaiza does not teach virtual resource.

The Examiner disagrees. The combination of Funderburk and Loaiza teaches virtual resource (i.e. "Alternatively, user-defined functions are registered with the database system to create "virtual tables" that create a view of data in the recovery logs. The user-defined functions dynamically retrieve and populate column values for a virtual table from underlying data sources." In the Applicant's specification, see page 3, lines 1-3, where the applicant defines a resource as "resource might be a database table, a Java.RTM. Bean, an Enterprise Java.RTM. Bean (EJB), a Java.RTM. object, a legacy application, a Web Service, a flat file, an eXtensible Markup Language (XML) file, etc." Therefore, the Examiner interprets virtual tables as virtual resource.)(Loaiza, Column 5, lines 37-42)..

(2) The prior art of record does not teach a virtual resource independent of an actual resource.

The Examiner disagrees. The combination of Funderburk and Loaiza teach a virtual resource independent of an actual resource. According to the Applicant's specification, see paragraph [0073] of US 2005/0065937, that states "Virtual Resources may contain any or all of the following information, including one virtual name, one actual name, one collection descriptor, one image (icon), one or more domains, zero or more attributes, zero or more methods, zero or more validators, one resource implementor, one description, and one last modified date and time." Therefore, a default XML view as described in Funderburk may be at least one virtual resource. Thus, the combination of Funderburk and Loaiza teaches constructing at least one virtual resource independent of an actual resource (i.e. "Figure 2 illustrates the default view for a simple purchase-order database. The database consists of three tables, one to track customer orders, a second to track items associated with an order, and a third to track the payments due for each order. Items and payments are related to orders by an order identifier (oid). In the default XML view, top-level elements correspond to tables, with table names appearing as tags. Row elements are nested under these. Within a row element, column names appear as tags and column values appear as text. Although not shown, an XML schema associated with the default view captures primary- and foreign-key relationships." The preceding text clearly indicates that at least one virtual resource is the default XML view.)(Page 620).

All other arguments have been addressed in the Final Office Action, mailed 08 December 2008.